VILLAGE OF CLYDE
LAND USE BY-LAW
NO: 362/86

Alberta
MUNICIPAL AFFAIRS
PLANNING BRANCH

VILLAGE OF CLYDE
LAND USE BY-LAW NO. 362/86

READ A FIRST TIME THE 13 DAY OF January, 19 86.

PUBLIC HEARING HELD THE 10 DAY OF February, 19 86.

READ A SECOND TIME THE 10 DAY OF February, 19 86.

READ A THIRD TIME AND FINALLY PASSED THIS 10 DAY OF February, 19 86.

Mayor Paul Destruel

Municipal Secretary-Treasurer
June Lockwood

(Replaces Land Use By-law #304, passed March 10, 1980)

AMENDMENTS

TO VILLAGE OF CLYDE LAND USE BY-LAW NO. 362/86

Amendment By-Law #	Date Adopted	Text or Map Amendment	Village Signature and Date	Office Consolidation Amendment # and Date

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VILLAGE OF CLYDE
LAND USE BYLAW NO. 362/86

Pursuant to the Planning Act, RSA 1980, Chapter P-9, as amended, the Council of the Village of Clyde duly assembled, hereby enacts as follows:

PART ONE

GENERAL

1. PURPOSE

The purpose of this Bylaw is to prohibit or regulate and control the use and development of land and buildings within the municipality to achieve the orderly and economic development of land, and for that purpose, among other things:

(1) to divide the municipality into districts;

(2) to prescribe and regulate for each district the purposes for which land and buildings may be used;

(3) to establish the office of one or more development officers;

(4) to establish a method of making decisions on applications for development permits including the issuing of development permits;

(5) to provide the manner in which notice of the issuance of a development permit is to be given.

PART TWO
LAND USE DISTRICTS

2.1 ESTABLISHMENT OF DISTRICTS

1. For the purpose of this By-law, the Village of Clyde is divided into the following Land Use Districts (see 2.2 Land Use District Map):
   Residential District – R1
   Residential District – R2
   Residential Mobile Home District – RMH
   Commercial District – C
   Industrial District – M
   Community District – P
   Institutional District – I
   Urban Reserve District – UR

2. The boundaries of the districts listed in Section 2.1 are as delineated on the LAND USE DISTRICT MAP, Section 2.2

3. Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

   Rule 1: Where a boundary is shown as following a street, lane, stream, or canal, it shall be deemed to follow the centre line thereof.

   Rule 2: Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

   Rule 3: In circumstances not covered by Rules 1 and 2 the location of the district boundary shall be determined:

   (a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or

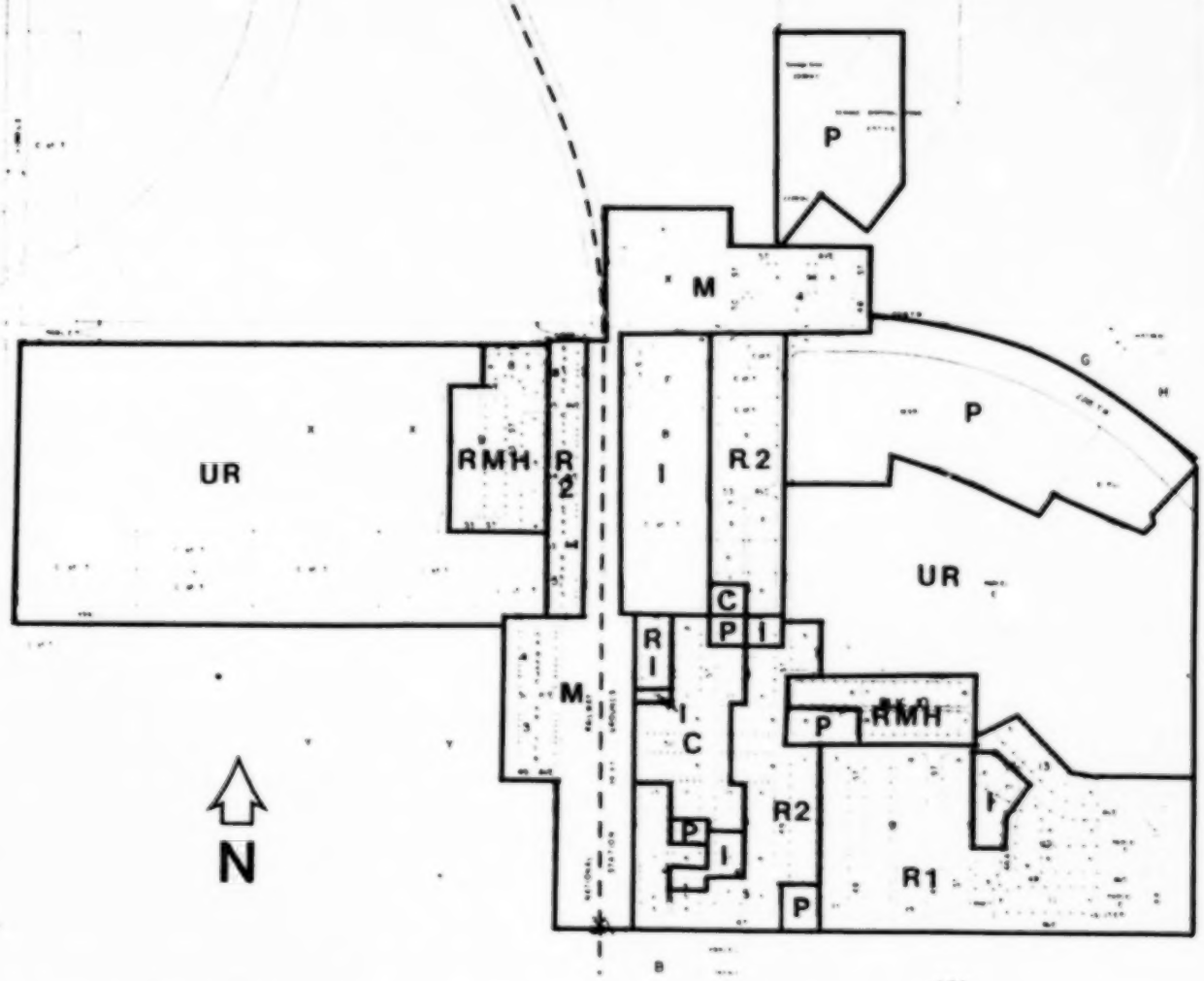
   (b) where dimensions are set out on the Land Use District with respect to such boundary, by measurement of and use of the scale shown on the Land Use District Map.

4. Where the application of the above rules does not determine the exact location of the boundary of a district, Council, either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this By-law and the degree of detail as to measurements and directions as the circumstances may require.

5. After the Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this By-law.

6. The Council shall maintain a list of its decisions with respect to boundaries or portions thereof fixed by it.

2.2 LAND USE DISTRICT MAP



R1 Residential - One Family
R2 Residential - Two Family
RMH Mobile Home District
C Commercial
M Industrial
P Community
I Institutional
UR Urban Reserve

2.3 LAND USE DISTRICT REGULATIONS

Land use regulations specific to each Land Use District are set forth in Sections 2.4 to 2.11. For each Land Use District, there is a list of:

1. permitted uses, or
2. discretionary uses, or
3. both permitted and discretionary uses.

Land use regulations which apply to one or more districts are set forth in PART THREE, GENERAL DISTRICT REGULATIONS.

2.4 RESIDENTIAL DISTRICT – R1

The general purpose of this district is to permit development of low density detached single family dwellings, and associated uses at the discretion of the Development Officer.

1. Permitted Uses

(1) One family dwellings
(2) Accessory buildings and uses

2. Discretionary Uses

(1) Small parks and playgrounds which serve the immediate residential area
(2) Churches
(3) A public or quasi-public building or a public utility which is required to serve the immediate area
(4) Home occupations and professional offices
(5) Child care facilities (as an accessory use only, and for a maximum capacity of 6 children).

3. Regulations

(1) Relating to One Family Dwellings serviced by water and sanitary sewer.

Minimum site area	– 5,000 sq. ft.
Front yard setback	– 20 ft. minimum
Rear yard setback	– 25 ft. minimum
Side yard setback	– 10% of the lot width, or at the discretion of the Development Officer, a minimum of 5 ft. on all lots over 50 ft.; and not less than 10% of the lot width on all lots 50 ft. or less. Corner lot – 15 ft. on side yard abutting flanking street. In laneless subdivisions where no attached garage is provided, one side yard shall be a minimum of 10 ft.
Maximum building height	– 33 ft. or two storeys
Minimum floor area	– 1,000 sq. ft. for 1 storey – 1,200 sq. ft. for 1½ storey or split level – 1,400 sq. ft. for 2 storey or bi-level.

(2) Maximum Lot Coverage – 40%
Principal building – 28%, or up to 40% if accessory building (garage) is attached
Accessory Building – 12%
Others as required by the Development Officer

(3) Parking space requirements – 1 space per dwelling unit
(4) Existing residential uses located within **1,000 ft.** of the Clyde sewage lagoon will not be permitted to expand, or rebuild if destroyed by fire.

2.5 RESIDENTIAL DISTRICT – R-2

The general purpose of this district is to permit development of primarily smaller single family dwellings, with the possibility for duplex or fourplex development at the discretion of the Development Officer.

1. Permitted Uses

(1) One family dwellings
(2) Discretionary Uses
(1) Duplexes or fourplexes on approved sites
(2) Small parks and playgrounds which serve the immediate residential area
(3) Churches
(4) A public or quasi-public building or a public utility which is required to serve in the immediate area
(5) Home occupations and professional offices
(6) Child care facilities (as an accessory use only, and for a maximum capacity of 6 children).

2. Discretionary Uses

(1) Duplexes or fourplexes on approved sites
(2) Small parks and playgrounds which serve the immediate residential area
(3) Churches
(4) A public or quasi-public building or a public utility which is required to serve in the immediate area
(5) Home occupations and professional offices
(6) Child care facilities (as an accessory use only, and for a maximum capacity of 6 children).

3. Regulations

(1) Relating to One Family Dwellings

Minimum site area – 5,000 sq. ft.
Front yard setback – 20 ft. minimum
Rear yard setback – 25 ft. minimum
Side yard setback – 10% of the lot width, or at the discretion of the Development Officer, a minimum of 5 ft. on all lots over 50 ft.; and not less than 10% of the lot width on all lots 50 ft. or less. Corner lot – 15 ft. on side yard abutting flanking street. In laneless subdivisions where no attached garage is provided, one side yard shall be a minimum of 10 ft.

Maximum building height	– 33 ft. or two storeys
Minimum floor area	– 800 sq. ft. for 1 storey
	– 1,000 sq. ft. for 1½ storey
	– 1,200 sq. ft. for 2 storey or bi-level.

(2) Relating to Duplexes

– "Up and down" units require a minimum site area of 6,200 sq. ft. provided the combined floor space areas do not exceed 2,000 sq. ft.

– Semi-detached or "side by side" units require a minimum site area of 7,200 sq. ft., 8,000 sq. ft. if a corner site

– Yard requirements as they apply to one family dwellings shall apply to two family dwellings

– Minimum floor space area is 600 sq. ft. per dwelling unit.

(3) All other uses as required by the Development Officer.

(4) Maximum lot coverage	– 40%
Principal building	– 28%, or up to 40% if accessory building (garage) is attached
Accessory	– 12%

(5) Parking space requirements – 1 space per dwelling unit

(6) Those existing residential uses located within **1,000 ft.** of the Clyde sewage lagoon will not be permitted to expand, or be replaced if the buildings are destroyed by fire.

2.6 RESIDENTIAL MOBILE HOME DISTRICT – RMH

The general purpose of this district is to permit the development of mobile home subdivisions, and the possibility of mobile home parks at the discretion of the Development Appeal Board. All mobile homes shall have Canadian Standard Association certification and the placement of each unit in a Mobile Home District shall be subject to obtaining a development permit from the Development Officer.

1. Permitted Uses

(1) One family mobile home units at a density of one unit per subdivided lot
(2) Public parks and playgrounds
(3) Accessory buildings and uses

2. Discretionary Uses

(1) Mobile Home Parks (a site on which rental stall space is provided for mobile homes)
(2) Child care facilities (as an accessory use only, and for a maximum of 6 children)
(3) Home occupations
(4) Public and quasi-public buildings and uses
(5) Public utilities buildings and structures

3. Regulations for Mobile Home Subdivisions

In addition to the general regulations for residential districts (see PART THREE, GENERAL DEVELOPMENT REGULATIONS)

(1) Minimum lot size and width
Mobile home units – 5,000 sq. ft.
– 50 ft. width
Others as approved by the Development Officer

(2) Minimum floor area
Mobile home units – 600 sq. ft.
One-family dwelling unit – 1,000 sq. ft.
Others as approved by the Development Officer

(3) Minimum yard dimensions
Front – 15 ft.
Side – 4 ft. on one side, however, a 15 ft. separation from an adjacent mobile home unit or side street shall be provided
Rear – 15 ft.

(4) Maximum lot coverage – 40%
Principal building – 28%, or up to 40% if accessory building (garage) is attached
Accessory building – 12%

(5) Maximum building height
Mobile home or one-family dwelling unit – 25 ft. and one storey (two storey if bi-level)
Accessory building - 15 ft.

(6) Parking space requirements – one stall per mobile home unit.

(7) All mobile homes shall be anchored with at least four tie downs for a single wide and eight tie downs for a double wide.

(8) The undercarriage of each mobile home shall be completely screened from view by the foundation or skirting, within **30 DAYS** of the placement of the mobile home.

(9) All accessory structures such as steps, patios, porches, additions, skirting, and storage facilities shall be:
   (a) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the mobile home, and
   (b) considered as part of the principal building, and
   (c) erected only after obtaining a development permit.

   Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

(10) No accessory building or use shall be located in the front yard. No parking space shall be located in the front yard unless it is a driveway on either side of the mobile home.

(11) All areas of a mobile home subdivision not occupied by roads, walkways, driveways, mobile home units, buildings, and other facilities shall be landscaped to the satisfaction of the Development Officer within **TWO MONTHS** (weather permitting) of the date of placement of the mobile home.

(12) All utility lines shall be placed underground.

4. Regulations for Mobile Home Parks

(1) A mobile home park shall have a minimum site area of 5 acres and a maximum of 40 acres. Smaller site areas may be approved at the discretion of the Development Officer where development is proposed to be staged and where the properties are adjacent.

(2) Maximum density of mobile home park – 8 mobile home units per acre.

(3) Minimum mobile home unit stall size – 4,000 sq. ft.

(4) Minimum yard requirements
   Front yard – 10 ft.
   Side yard – 4 ft. on one side and a 15 ft. separation to the next unit on the other side or an adjacent street
   Rear yard – 10 ft.

(5) Maximum stall coverage – 40%
   Principal building – 28%, or up to 40% if accessory building (garage) is attached
   Accessory building – 12%

(6) All roads and lanes in a mobile home park shall be gravelled or paved, well drained, and maintained to the satisfaction of the Development Officer. Minimum right-of-way width shall be 30 ft. . The mobile homes and all community facilities in a mobile home park shall be connected by a safe, convenient, concrete pedestrian walkway of at least 4 ft. in width.

(7) All utility lines shall be placed underground.

(8) Five percent of the gross site area or 100 sq. ft. per mobile home space shall be provided for the recreational use of the park occupants. This recreational site(s) shall be located convenient to all park residents, free from traffic hazards, be clearly marked, and shall not be included in areas designated as buffer strips.

(9) Parking space requirements – 1 space per mobile home unit.

(10) Each mobile home park stall shall provide a durable base on which the mobile home shall be placed.

(11) The undercarriage of each mobile home shall be completely screened from view by the foundation or by skirting within **30 DAYS** of the placement of the mobile home.

(12) All accessory structures such as patios, porches, additions, skirting, and storage facilities shall be:

(a) factory prefabricated or the equivalent thereof, the exterior and design of which shall match the mobile home, and
(b) considered as part of the principal building, and
(c) erected only after obtaining a development permit

Additions to a mobile home shall have a foundation or skirting equivalent to that of the mobile home.

(13) No accessory building or use shall be located in the front yard, however, driveways to side yard parking are permitted.

(14) All utility lines shall be placed underground. Street lighting and signage shall be of the same standard used in the other resident district.

(15) The floor area of porches and additions (excluding attached garages) shall not exceed 25% of the gross floor area of the mobile home.

(16) All areas of a mobile home park not occupied by roads, lanes, walkways, driveways, mobile home units, buildings, and other facilities shall be landscaped to the satisfaction of the Development Officer within **TWO MONTHS** (weather permitting) of the date of placement of the mobile home.

(17) All mobile home parks shall have at least two legal road accesses.

2.7 COMMERCIAL DISTRICT – C

The general purpose of this district is to permit commercial development appropriate for the Central Business District of the municipality and involving fairly high density development. The regulations do not permit obnoxious uses or those involving excessive outside storage.

1. Permitted Uses

(1) Bank
(2) Barber Shops, Beauty Parlours
(3) Coin Laundries
(4) Grocery Store
(5) Household Appliance Sales
(6) Offices
(7) Retail Store
(8) Restaurant
(9) Shoe Repair Shop
(10) Tailor Shop
(11) If the floor space area used is not greater than 4,000 sq. ft. and the manufacture or treatment of products essential to the retail business conducted on the premises, for example –
a bakery
a dry cleaning plant or establishment

2. Discretionary Uses

(1) Auto Sales (new and used)
(2) Bowling Alley
(3) Child Care Facility
(4) Clinic
(5) Club or Lodge
(6) Dance Hall
(7) Hotel
(8) Parking Lot (public or private)
(9) Service or Gas Station
(10) Shopping Centre
(11) Theatre

(12) Other uses which in the opinion of the Development Officer are similar to the above mentioned uses.
(13) The indoor storage of articles before sale in connection with any of the aforementioned uses.
(14) An accessory building or use incidental to any of the aforementioned uses. Accessory use in this connection shall be deemed to include dwelling accommodation in a building used for any of the aforementioned uses.
(15) Public and quasi-public buildings and uses.
(16) Dwelling units above first floor with direct access to the outside.

3. Regulations

(1) Minimum site area:
Area – 1,500 sq. ft. per lot
Width – 15 ft. per lot

Where groups of shops are to be built on a site, requirements shall be determined by the Development Officer who shall deal with the overall scheme, taking into account buildings, access, parking, and specific commercial uses.

(2) Minimum yard requirements:
Front – No front yard setback is required except where the Development Officer may deem it necessary to conform with existing development.
Side – If the subject lot is bounded on both sides by land classified C, no side yard requirement is necessary except where a side yard is provided, it shall be not less than 5 ft. . If the subject lot is bordered by a residential district, the side yard shall not be less than 5 ft. .
Rear – 25 ft. or as required by the Development Officer.

(3) Minimum floor area – as approved by the Development Officer

(4) Maximum site coverage – 80% provided that provision has been made for on-site parking, loading, storage, and waste disposal to the satisfaction of the Development Officer.

(5) Parking space requirements

Neighbourhood commercial stores and shopping plazas	– 1 stall per 300 sq. ft. of gross leaseable floor space
Retail and personal service shops, banks, and offices	– 1 stall per 500 sq. ft. of gross leaseable floor space
Restaurants, cocktail bars, taverns	– 1 stall per 5 seating spaces
Hotels and motels	– 1 stall per sleeping unit

The location and design of off-street parking and number of loading spaces shall also be in conformance with the minimum standards in PART THREE, GENERAL DEVELOPMENT REGULATIONS, 3.7 OFF-STREET LOADING AND 3.8 OFF-STREET PARKING.

2.8 INDUSTRIAL DISTRICT – M

The general purpose of this district is to provide opportunities for light industrial and manufacturing uses, with heavier industry permitted in approved locations at the discretion of the Development Officer. Uses and operations within this district shall not cause or permit any external objectionable or dangerous conditions apparent beyond any building housing processes wherein such effects may be produced, including but not limiting the generalities thereof, the following objectionable features, namely: noise, vibration, smoke, dust, and other kinds of particulate matter, odor, toxic and noxious matter, radiation hazards, fire and explosive hazards, heat, humidity, and glare.

1. Permitted Uses

(1) Commercial development involving workshop type uses or involving land extensive, outdoor storage
(2) Warehousing; storage; distribution of raw materials, processed or manufactured goods; servicing establishments
(3) Light manufacturing and fabrication uses which are not obnoxious.

2. Discretionary Uses

(1) Such recreational and municipal uses that are not restrictive and are compatible with an industrial area.
(2) On approved sites, those industrial uses that are obnoxious by reason of the emission of odors, dust, smoke, gas, noise, or vibration.

3. Regulations

(1) Minimum site area shall be as approved by the Development Officer
(2) Minimum front yard setback shall be 30 ft.
(3) Minimum side yard shall be as approved by the Development Officer
(4) Minimum rear yard shall be 30 ft.
(5) Maximum site coverage shall be 60%
(6) Maximum height shall be 35 ft.
(7) Parking and loading space requirements – 1 stall per 3 employees on maximum shift.

The location and design of off-street parking and number of loading spaces shall also be in conformance with the minimum standards in PART THREE, GENERAL DEVELOPMENT REGULATIONS, 3.7 OFF-STREET LOADING AND 3.8 OFF-STREET PARKING.

2.9 COMMUNITY DISTRICT – P

The general purpose of this district is to permit the use of land for services, mainly of a public nature, which have a primary orientation toward the community. Land designated "P" must be owned by the municipality or other government, or will be so owned within six months of being so designated.

1. Permitted Uses

(1) Parks, playgrounds, recreation areas, and other similar public or quasi-public buildings and uses

2. Discretionary Uses

(1) Federal, provincial, and municipal buildings and uses
(2) Cemeteries
(3) Public utility installations and uses

3. Regulations

(1) All site requirements shall be as approved by the Development Officer
(2) Parking and loading space requirements – at the discretion of the Development Officer (see PART THREE, GENERAL DEVELOPMENT REGULATIONS, 3.7 OFF-STREET LOADING AND 3.8 OFF-STREET PARKING).

2.10 INSTITUTIONAL DISTRICT – I

The general purpose of this district is to permit development of uses of either a public or private nature which provide services to the community.

1. Permitted Uses

(1) Child Care Facilities
(2) Churches
(3) Community Halls
(4) Hospitals and Nursing Homes
(5) Schools
(6) Senior Citizens Home and similar buildings
(7) Accessory buildings and uses

2. Discretionary Uses

(1) Cemeteries
(2) Recreational uses
(3) Private Clubs and Lodges
(4) Public and quasi-public buildings
(5) Other uses which in the opinion of the Development Officer are similar to the above mentioned uses

3. Regulations

(1) All site requirements shall be as approved by the Development Officer, except,
(2) Parking and loading space requirements

Places of public assembly (auditoriums, churches, halls, clubs, theatres, and other amusement or recreation buildings	– to the satisfaction of the Development Officer, but not less than one space per 5 seating spaces
Schools	– 1 space per employee
Hospitals and nursing homes	– 1 space per 1000 sq. ft.
Senior citizen lodges, or apartments	– 1 space per 3 units

The location and design of off-street parking and number of loading spaces shall also be in conformance with the minimum standards in PART THREE, GENERAL DEVELOPMENT REGULATIONS, 3.7 OFF-STREET LOADING AND 3.8 OFF-STREET PARKING.

2.11 URBAN RESERVE DISTRICT – UR

The general purpose of this district is to reserve those lands on the periphery of the village which by their relationship to existing land uses, to the main road system, and to the established utility systems, will in time become suitable for general urban uses.

1. Permitted Uses

(1) One-family dwellings – on existing parcels only
(2) Farming and cultivation of land but not including such agricultural uses as feed lots, hog barns, poultry farms, and fur farms.

2. Discretionary Uses

(1) Any strictly **TEMPORARY** use of building which in the opinion of the Development Officer will not prejudice the possibility of conveniently and economically replotting or developing the area in the future
(2) Public utility installations
(3) Public and quasi-public buildings and uses

3. Regulations

(1) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been resolved. This plan should establish an outline plan of subdivision, the proposed land use classification, public reserve dedications, and utilities policies.
(2) Relating to one-family dwellings
Minimum yard dimensions shall be as required by the Development Officer.

PART THREE

GENERAL DEVELOPMENT REGULATIONS

3.1 GENERAL PROVISIONS

1. Subdivision of Land

Where the development of land involves a **SUBDIVISION OF LAND,** no development permit shall be issued until the application has been submitted to the Director of Planning and written evidence received by the Development Officer that the necessary subdivision has the approval of the Director of Planning.

2. Dwelling Units on a Parcel

(1) In any one-family residential district or any district permitting a one-family dwelling, no permit shall be granted for the erection of more than one dwelling unit on a single parcel.

(2) With the approval of the Development Officer, the minimum site area may be less in the case of existing substandard lots.

3. Site Conditions

(1) Removal of Topsoil

No person shall commence or continue the removal of topsoil without first obtaining a development permit. There shall be provided upon occupancy of the development, a minimum topsoil coverage of 6 inches and the affected area shall be landscaped to the satisfaction of the Development Officer.

(2) Fences and Walls

(a) No fence, wall, or hedge in a single family, two family, or mobile home district shall be:

(i) higher than 6 ft. in side yards and rear yards to be measured as the average elevation from the ground at the fence or wall unless otherwise provided in this By-law;

(ii) higher than 3 ft. in front yards, except in the case of more than one yard fronting onto a street, each yard shall be deemed to be a front yard for the purpose of this section; and

(iii) more than 3 ft. high within 20 ft. of the intersection of lanes, streets, or a street or lane.

(b) In the case of fourplexes, all off-street parking shall include a landscaped area, and in residential areas, a wall, hedge, or wooden fence of not less than 4 ft. in height and not more than 7 ft. in height, shall be provided along the side property lines, all to the satisfaction of the Development Officer.

(c) Commercial buildings in residential areas must be screened by a wooden fence of not less than 6 ft. in height and be of the "Good Neighbour" design. In addition, 10% of the site area shall be landscaped, and garbage containers and outdoor storage shall be screened and accessible for convenient pickup.

(d) In the case of drive-in businesses, car washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Development Officer. Solid fences shall be provided at least 5 ft. in height and no higher than 7 ft. adjacent to residential areas.

(3) Landscaping of Open Space Areas

(a) As a condition of the development permit, and to the satisfaction of the Development Officer, all landscaping and planting must be carried out (weather permitting) within **TWO MONTHS** of occupancy of commencement of operation of the proposed development.

(b) Off-street parking lots in any commercial district shall be landscaped by the planting of trees in a manner and number satisfactory to the Development Officer.

4. Objects and Uses Prohibited or Restricted in Residential Yards

(1) No person shall keep or permit in any part of a yard in any residential district:

(a) Any dismantled or wrecked vehicle for more than 14 successive days.

(b) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district.

(c) Any excavation, storage, or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; the owner of such materials or excavations assumes full responsibility to ensure the situation does not prevail any longer than reasonably necessary to complete a particular stage of construction work.

(d) A commercial vehicle loaded or unloaded of a maximum weight in excess of 9,000 lbs., except while actively loading or unloading.

(e) A commercial vehicle or recreational vehicle to remain in front yard.

(f) (i) A satellite dish antenna shall not be located in a front yard or side yard abutting a street.
(ii) Where any part of a satellite dish is more than 10 ft. above grade level, it shall be both screened and located to the satisfaction of the Development Officer.
(iii) Sections f(i) and (ii) may not apply where the applicant can show to the satisfaction of the Development Officer, that compliance with these sections would prevent signal reception.
(iv) No advertising shall be allowed on a satellite dish antenna.
(v) The illumination of a satellite dish antenna is prohibited.

(g) No accessory building, use, or parking space shall be located in the front yard of a residential use without the specific approval of the Development Officer.

(h) If fireplaces or balconies are included, yard requirements shall be measured from the leading edge of the fireplaces or balcony

5. Site Development

The design, siting, external finish, architectural appearance, and landscaping generally of all buildings, including any accessory buildings or structures and signs and any reconstruction shall be to the satisfaction of the Development Officer in order that there shall be general conformity in such matters with adjacent buildings.

6. Protection From Exposure Hazards

(1) The location of any anhydrous ammonia or liquefied petroleum gas (AA or LPG) storage tank with a water capacity exceeding 2,000 gallons shall be in accordance with the requirement of the Development Officer, but in no case be less than a minimum distance of 400 ft. from assembly, institutional, commercial, or residential buildings.

(2) AA or LPG containers with a water capacity of less than 2,000 gallons shall be located in accordance with regulations under the Gas Protection Act.

(3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with regulations under the Fire Prevention Act.

(4) Setbacks from pipelines and other utility corridors shall be as required by the Development Officer and the appropriate Provincial Regulations or Acts.

7. Off-Street Loading

(1) Loading Facilities

When required by the Development Officer, a development shall:

(a) provide loading spaces, each having dimensions of not less than 10 ft. in width, 25 ft. in length, and 14 ft. in height;

(b) provide vehicular access to, and from, a street or land such that no backing or turning movements of vehicles going to and from the site causes interference with traffic in the abutting streets or lanes;

(c) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level; and

(d) be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross sidewalks.

(2) Number of Off-Street Loading Spaces

(a) In a retail, industrial, warehouse, or similar development of less than 5,000 sq. ft. of gross floor area, one space.

(b) Two spaces for between 5,000 sq. ft. and 25,000 sq. ft. of gross floor area, and one additional space for each additional 25,000 sq. ft. or fraction thereof.

(c) Office buildings, places of public assembly, public convalescent [illegible] tion, club or lodge, public utility, school or for any other use one space up to 30,000 sq. ft. of gross area and each additional 30,000 sq. ft. or fraction thereof, one additional space.

(3) Unless otherwise provided by the Development Officer, a loading space shall be located on the same lot as the principal building or use.

8. Off-Street Automobile Parking

(1) Location of Site and Parking Facilities

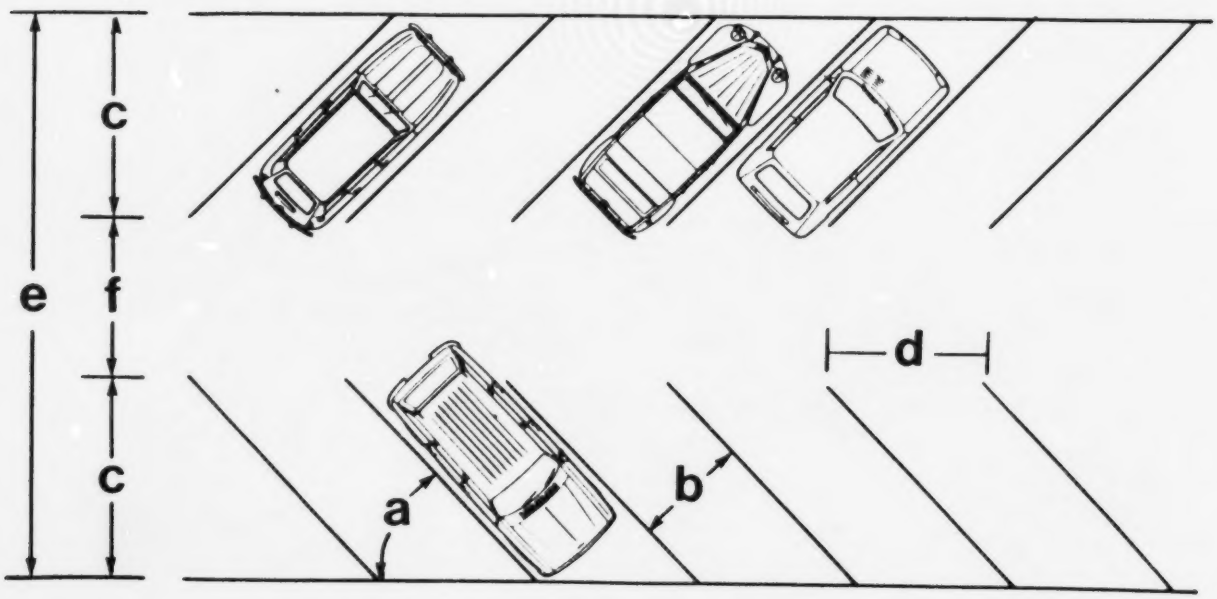
(a) An off-street parking area or accessory off-street parking area:
- shall not be located within 3 ft. of a lot line common to the lot and to a street;
- shall be constructed so that adequate access to, and exit from each stall is to be provided at all times by means of manoeuvering aisles designed to the satisfaction of the Development Officer;
- shall have necessary curb cuts located to the satisfaction of the Development Officer; and
- shall be located on the same lot as the principal building or use.

(2) All parking areas shall conform to the following requirements:

Minimum Parking Standards

(a) Parking Angle in Degrees	(b) Width of Stall in Feet	(c) Depth of Stall Perpendicular to Manoeuvering in Ft.	(d) Width of Stall Parallel to Manoeuvering Aisle in Feet	(e) Overall Depth in Feet	(f) Width of Manoeuvering Aisle in Ft.
0	9.0	9.0	23.0	30	One Way 12
30	9.0	17.0	18.0	46	One Way 12
45	9.0	19.0	12.7	50	One Way 12
60	9.0	20.0	10.3	60	One Way 20
90	9.0	20.0	9.0	60	One Way 24

(See below for illustration of column headings)



(3) Surfacing and Drainage

(a) Every off-street parking space provided, and the access thereto, shall be hard-surfaced if the access is from a street or lane which is hardsurfaced; parking areas must be paved or of a gravel mixture as approved by the Development Officer.

(b) Each parking area shall be so graded and drained as to dispose of all storm water runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Development Officer.

(4) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be in accordance with the District Regulations. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Development Officer. Where a development falls within more than one class, the required number of spaces shall be the sum of the requirements for each of the development classes.

The Development Officer may allow an applicant to provide a lesser number of spaces if it can be shown that the standard is not applicable to the project. Subject to the approval of Council, the applicant may at his option, pay to the municipality a **payment equal to the cost of an equivalent public parking space** provided elsewhere in the district.

9. Signs

(1) No signs or advertising structures of a commercial, directional, or informative nature shall be erected on land or affixed to any exterior surface of any building or structure unless an application for this purpose has been approved and a development permit has been issued.

(2) No signs or advertising structures shall be erected on or affixed to private property without the prior consent of the property owner or tenant.

(3) No signs, billboards, advertising structures, or signboards shall be erected on or affixed to public property without the prior consent of the appropriate public body.

(4) Notwithstanding the generality of (1) above nor the provisions of (2) and (3) above, the following signs may be erected on land or affixed to the exterior surface of a building or structure without application for a development permit provided that no such signs shall be illuminated.

(a) Signs for the purpose of identification, direction, and warning, or relating to a person, partnership, or company carrying on a profession, business, trade, or relating to an institution of a religious, educational, cultural, recreational, or similar character, or to a residential hotel, apartment block, club, or similar institution, not exceeding 12 sq. ft. and limited to one sign per parcel.

(b) Temporary advertisement relating to the sale or letting of land, the sale of goods or livestock, the carrying out of building or similar work, announcement of any local event of a religious, educational, cultural, political, or similar character not exceeding 20 sq. ft., provided that all such temporary advertisements shall be removed by the advertiser within 15 days of the completion of the event or works to which such advertisements relate.

(c) Advertisements or signs in relation to the function of local authorities, utility boards, or other public or quasi-public bodies.

(5) No sign or advertisement shall resemble or conflict with a traffic sign, nor shall it be a traffic hazard.

(6) All advertisements shall be kept in a safe, clean, and tidy condition, and may by resolution of Council be required to be renovated or removed.

(7) No signs or advertising structures other than those specified under (4) above shall be permitted in residential, community, institutional, or urban reserve districts.

10. Corner Sites

(1) On corner sites in a residential district, no fence, wall, tree, bush, structure, or thing more than 3 ft. in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines and a straight line joining points on the street 20 ft. from their intersection.

(2) On corner sites in all districts other than residential districts, no fence, wall tree, bush, structure, or thing more than 3 ft. in height shall be erected, placed, or maintained within the triangular area formed by the intersecting street lines 15 ft. from their intersection.

11. Accessory Buildings

(1) An accessory building shall not be used as a dwelling.

(2) The siting of a detached garage shall be in accordance with Figures 1 to 5 shown on the following page.

(3) The siting of an accessory building on an irregular shaped parcel shall be as approved by the Development Officer.

(4) An accessory building shall not be located in the front yard.

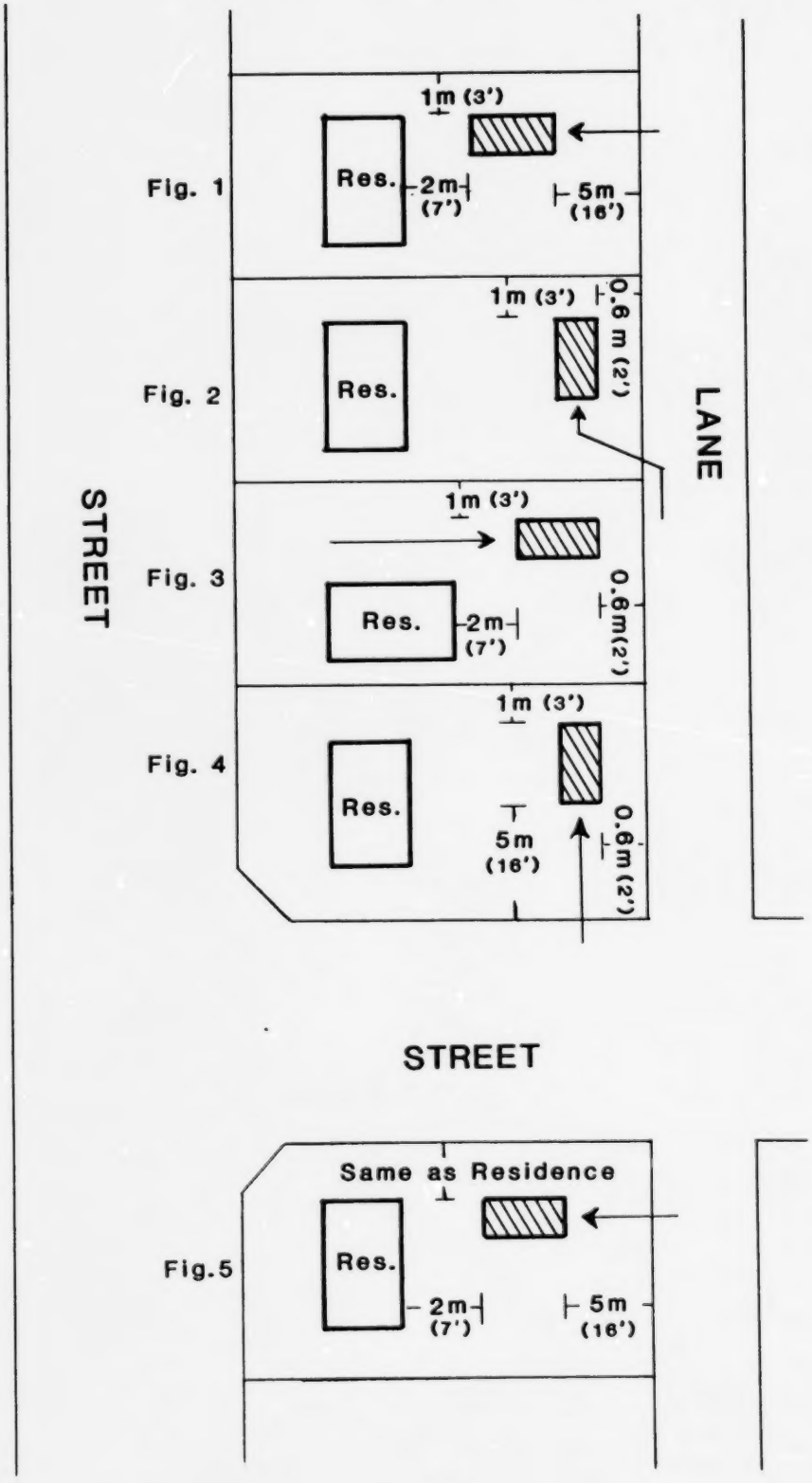
(5) An accessory building shall not be located closer than 7 ft. to a principal building.

(6) The height of an accessory building shall not exceed 15 ft., nor one storey.

(7) **Where a structure is attached to the principal building** on a site by a roof, an open or enclosed structure, a floor or a foundation, **it is to be considered a part of the principal building and is not an accessory building**.

(8) The total area of the accessory building shall not exceed 12% of the site area.

SITING OF ACCESSORY BUILDINGS



3.2 SPECIAL PROVISIONS

1. Home Occupations and Professional Offices

All development permits issued for home occupations and professional offices shall be revocable at any time by the Development Officer, if in his opinion, the use is or has become detrimental to the amenities of the neighbourhood.

2. Industrial Development

(1) An application for the establishment of industries shall be considered by the Development Officer who shall request advisory comment by the following authorities whose interest or jurisdiction may be affected:

Provincial Director of Planning
Alberta Tourism and Small Business
Alberta Transportation
Alberta Agriculture
Alberta Environment
Alberta Energy and Natural Resources
Sturgeon Health Unit

The Development Officer shall request that such comments be made in writing.

(2) Each application for industrial location shall be accompanied by the following information:

Location
Type of industry
Size of buildings
Number of employees
Estimated water demand and anticipated source
Type of effluent and method of treatment
Transportation routes to be used (rail and road)
Reason for specific location
Any accessory works required (pipeline, railway spurs, etc.)
Anticipated residence location of employees

and/or any such other information as may be reasonably required by the Development Officer.

(3) All site regulations and requirements shall be based upon the type of industrial development proposed, and shall be at the discretion of the Development Officer, in accordance with the district in which the site is located.

3. Service Stations (Including Gas Bars)

(1) Service, or gas stations shall be located in such a manner that:

(a) no entrance or exit thereto for motor vehicles within 200 ft. of an entrance to or exit from a firehall, public or private school, playground, library, church, hospital, children's or old people's home, or other similar public or quasi-public institutions.

(b) no part of a service station or gas station building or of any pump or other accessory shall be within 20 ft. of a side or a rear property line.

(c) service stations shall have a front yard of not less than 40 ft. and no gasoline pump shall be located closer than 20 ft to the front property line.

(d) underground storage tanks shall be set back from adjacent buildings in accordance with Regulations passed pursuant to the Fire Protection Act.

(2) Site Area and Coverage

(a) The minimum site area shall be 8,000 sq. ft. and the maximum building coverage shall be 25% of the site area. For service stations including car wash the minimum site area shall be 12,000 sq. ft. .

(b) In the case of a service station designed and built as part of a shopping centre the ratio of building space to parking space shall be as determined by the Development Officer.

(3) Lighting

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.

(4) Use and Maintenance of Service Station Site and Building

The owner, tenant, operator, or person in charge of a service station shall at all times:

(a) be prohibited from the carrying on of the business of a public garage or parking garage (provided, however, that this shall not prevent the use of garage space available on any authorized service station for storage) or of any business or activity which is obnoxious or offensive, or which may constitute a nuisance or annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour, smoke, or vibration;

(b) be responsible for the proper, safe, and orderly operation thereof, and of motor vehicles using said service station of being repaired or serviced thereat, and without restricting the generality of the foregoing shall see:
(i) that operators of motor vehicles do not obstruct the sidewalks and boulevards abutting or adjacent to the service station, and
(ii) that operators of motor vehicles enter and leave the service station only at the entrances and exits provided for such purposes and not elsewhere; and

(c) maintain on the boundaries of the site, where required by the Development Officer an appropriate fence not less than 5 ft. in height.

4. Churches

(1) The site on which a church is situated shall have a frontage of not less than 100 ft. and an area of not less than 10,000 sq. ft. except in the case where a building for a clergyman's residence is to be erected on the same site. The combined area of the site in this case shall not be less than 15,000 sq. ft.

(2) Front, side, and rear yards shall be those permitted within the district in which the church site is located.

5. Multiple Dwelling Developments

(1) The following application procedure applies to fourplex and duplex development.

(a) Before any application can be considered the applicant must submit:

(i) design plans and working drawings including elevations which have been done or endorsed by a registered architect; and

(ii) site plans showing the proposed:

- location and position of structures on the site, including any "For Rent" or identification signs
- location and number of parking spaces, exits, entries, and drives from public thoroughfares
- location of an access to garbage storage areas and incinerators, and the fencing and landscaping of these facilities
- landscape plan of the entire site which shall also show intended surfacing for drives and parking areas.

(b) The aforementioned plans will append the application and once approved shall be deemed conditions of approval. The Development Officer may require a performance bond from the developer if deemed necessary.

(2) In the case of all buildings and relationship of the buildings to each other and the total relationship to the land on which they are constructed, in particular, respect to such matters as architectural appearance, the provision of adequate light, air, privacy, and landscaping shall be fully shown upon the site plans of the whole development, and all the foregoing shall be to the satisfaction of the Development Officer.

PART FOUR

DEVELOPMENT PERMITS AND AUTHORITIES

4.1 DEVELOPMENTS REQUIRING A DEVELOPMENT PERMIT

1. Except as otherwise provided in Section 4.2, no development shall be started or allowed to continue in the municipality unless a development application for it has been approved and a development permit issued.

4.2 DEVELOPMENTS NOT REQUIRING A DEVELOPMENT PERMIT

1. The following developments shall not require a development permit:

   (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works renovation.

   (2) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by Section 139(3)(d) of the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of **12 MONTHS** from the said date of the first publication of the official notice.

   (3) The use of any such buildings as is referred to in subsection (2) for the purpose for which construction was commenced.

   (4) The erection or construction of accessory buildings with a gross floor area of **64 sq. ft.** or less in size.

   (5) The erection of installation of satellite receiving dishes in a rear yard or side yard not abutting a street, provided no part of the antenna is more than 10 ft. above grade level.

   (6) The erection or construction of gates, fences, walls, or other means of enclosure (other than on corner lots or where abutting on a road used by vehicular traffic) less than 3 ft. in height in front yards and less than 6 ft. in side and rear yards, and the maintenance, improvement, and other alterations of any gates, fences, or walls, or other means of enclosure.

   (7) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a permit has been issued under this By-law.

   (8) The maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, and municipal public authorities on land which is publicly owned or controlled.

4.3 COMPLIANCE WITH OTHER LEGISLATION

Compliance with the requirements of this By-law does not exempt any person from:

(1) the requirements of any federal, provincial, or municipal legislation.

(2) complying with any easement, covenant, agreement, or contract affecting the development.

4.4 NON-CONFORMING BUILDINGS AND USES

1. A non-conforming use of land or a non-conforming use of a building may be continued but if that use is discontinued for a period of **6 CONSECUTIVE MONTHS** or more, any future use of the land or building shall conform with the provisions of the Land Use By-law then in effect.

2. A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.

3. A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

4. A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt, or structurally altered except:

   (a) as may be necessary to make it a conforming building, or

   (b) as the Development Officer considers necessary for the routine maintenance of the building.

5. If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Land Use By-law.

6. The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy, occupancy of the land or building.

4.5 APPROVING AUTHORITIES – DUTIES AND RESPONSIBILITIES

1. Development Officer

(1) The office of Development Officer is hereby established and such office shall be filled by a person or persons to be appointed by resolution of Council.

(2) The Development Officer shall administer this By-law and decide on all development permit applications (See PART FIVE).

(3) The Development Officer shall keep and maintain for the inspection of the public during office hours, a copy of this By-law and all amendments thereto, and ensure that copies of same are available to the public at a reasonable charge.

(4) The Development Officer shall make available for inspection by the public during office hours, a register of all applications for development permits and the decisions made therein.

(5) The Development Officer shall collect fees according to a scale to be established by resolution of Council.

2. Development Appeal Board

The Development Appeal Board is hereby authorized to decide on appeals to development permit decisions made by the Development Officer (see PART FIVE).

PART FIVE

DEVELOPMENT PERMIT APPLICATION, DECISION, AND APPEAL

5.1 APPLYING FOR A DEVELOPMENT PERMIT

1. Plans and Information Required

Applications for development permits shall be made to the Development Officer in writing on FORM A and shall be accompanied by:

(1) a site plan in duplicate at a scale satisfactory to the Development Officer showing the legal description and the front, rear, and side yards if any, any provision for off-street vehicle loading and parking and access and egress points to the site;

(2) scale of plan and north arrow;

(3) floor plans, elevations, and sections in duplicate;

(4) statement of existing and proposed uses;

(5) statement of ownership of land and interest of the applicant therein;

(6) location and distances to property lines of all buildings, structures, utility poles, fences, retaining walls, trees, landscaping, etc.;

(7) location of sidewalks and curbs;

(8) existing and proposed utilities shown in streets, avenues, and lanes;

(9) all easements shown and labelled;

(10) description of exterior finishing materials;

(11) estimated commencement and completion dates;

(12) estimated cost of the project or contract price; and

(13) a fee of ten dollars ($10.00) in accordance with By-law 333.

2. Non-Compliance With Information Requirements

A Development Officer may refuse to accept a development permit application where the information required by Section 5.1.1 has not been supplied, or where, in his opinion, it is inaccurate or of inadequate quality to properly evaluate the application.

3. Waiver of Information Requirements

The Development Officer may decide on a development permit application without all the information required by Section 5.1.1, if he is of the opinion that a decision can be properly made without such information.

5.2 DECISIONS ON DEVELOPMENT PERMITS

1. Development Officer Role

The Development Officer shall receive, consider, and decide on **all** applications for a development permit, and provide **reasons** for the decisions.

2. Development Officer Decisions

In making a decision, the Development Officer may:

(1) approve the application unconditionally;

(2) impose conditions considered appropriate, permanently or for a limited period of time; or

(3) refuse the application.

3. Deemed Refusals

If a decision on a development permit application is not made by the Development Officer within **40 DAYS** after the receipt of a completed application by the Development Officer, the application may be **deemed refused** and persons claiming to be affected may appeal in writing to the Development Appeal Board (see PART SIX).

4. Reapplication Interval

Where a development permit application has been refused by the Development Officer and no appeal is requested within **14 DAYS** of the decision, or where the Development Appeal Board has refused the appeal, submission of another application for a development permit on the same property for the same or similar use of the land or buildings by the same or any other applicant may not be accepted by the Development Officer for at least **6 MONTHS** after the date of the previous refusal.

5. Permitted Uses

(1) When a development permit application is received for a **PERMITTED USE** under this By-law, **AND** the application otherwise conforms with this By-law, the Development Officer **SHALL ISSUE** a development permit.

(2) When a development application is received for a **PERMITTED USE** under this By-law, **BUT** the application otherwise does not conform with this By-law, the Development Officer **SHALL REFUSE** the application.

6. Discretionary Uses

(1) When a development permit application is received for a **DISCRETIONARY USE** under this By-law, **AND** the application otherwise conforms with this By-law, the Development Officer **MAY ISSUE** a development permit.

(2) When a development application is received for a **DISCRETIONARY USE** under this By-law, **BUT** the application otherwise does not conform with this By-law, the Development Officer **SHALL REFUSE** the application.

7. Conditions Attached to a Development Permit

(1) The Development Officer **MAY** impose, with respect to a **PERMITTED USE,** such conditions as required to ensure compliance with this By-law.

(2) The Development Officer **MAY,** with respect to a **DISCRETIONARY USE,** impose such conditions as he or she deems appropriate, having regard to the regulations of this By-law and the provisions of any Statutory Plan.

(3) The Development Officer **MAY,** as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of utilities, and vehicular and pedestrian access, or any one of them, including payment of the costs of installing or constructing any such utility or facility by the applicant.

(4) Council or the Development Officer **MAY,** as a condition of issuing a development permit, require that an applicant enter into an **AGREEMENT,** or an interim agreement which shall be attached to and form part of such development permit, to do all or any of the following under the Planning Act, Sections 75, 76, and 77:

(a) construct, install, or pay for the construction of public roadways, pedestrian walkways, utilities, off-street parking facilities, and loading and unloading facilities necessary to serve the development;

(b) to **PAY** an **OFF-SITE LEVY OR REDEVELOPMENT LEVY** imposed by By-law.

8. Notification

(1) A decision (FORM D – see PART EIGHT) of the Development Officer on an application for a development permit shall be given in writing and a copy of it sent to the applicant.

(2) When the Development Officer conditionally approves or refuses an application for a development permit, the decision (FORM B or FORM C) shall contain **reasons** for the conditions or refusal.

(3) When a development permit (FORM B – see PART EIGHT) has been issued the Development Officer shall:

(a) immediately post a notice (FORM D – see PART EIGHT) of the decision conspicuously on the property for which the application has been made; and/or

(b) a notice in writing shall be immediately mailed to all adjacent landowners who, in the opinion of the Development Officer, may be affected; and/or

(c) a notice shall be immediately published in a newspaper circulating in the municipality stating the location of the property for which the application has been made and the use approved.

9. Commencement of Construction

(1) A permit (FORM B – see PART EIGHT) granted pursuant to this PART does not come into effect until **15 DAYS** after the date an order, decision, or development permit is publicized as described in Section 5.2.8(3). Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

(2) Where an appeal is made pursuant to Section 5.3 of this By-law, a development permit which has been granted shall not come into effect until the appeal has been determined and the permit may be modified or nullified thereby.

(3) If the development authorized by a permit is not commenced within **12 MONTHS** from the date of its issue, or carried out with reasonable diligence, the permit is deemed to be void, unless an extension to this period has been granted prior to expiry by the Development Officer.

5.3 APPEALING A DECISION

1. Appeal Procedure

(1) An appeal may be made to the Development Appeal Board by the applicant or person affected by the order (c) where a Development Officer:

(a) refuses or fails to issue a development permit to a person within **40 DAYS** of receipt of the application;

(b) issues a development permit subject to conditions;

(c) issues an order under Section 6.1 of this By-law.

(2) An appeal to the Development Appeal Board may also be requested by a person affected by an order, decision, or development permit made or issued by a Development Officer.

2. Public Hearing

(1) Within **30 DAYS** of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.

(2) The Development Appeal Board shall give at least **5 DAYS** notice (FORM E – see PART EIGHT) in writing of the public hearing to:

(a) the appellant;

(b) the Development Officer form whose order, decision, or development permit the appeal is made;

(c) the Municipal Planning Commission of the municipality if it is not the Development Officer;

(d) those adjacent landowners in the municipality who were notified under Section 5.2.8 and any other person who in the opinion of the Development Appeal Board, are affected by the order, decision, or permit; and

(e) such other persons as the Development Appeal Board specifies.

(3) The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:

(a) the application for the development permit, its refusal and the appeal therefrom; or

(b) the order of the Development Officer under Section 6.1, as the case may be.

(4) At the public hearing referred to in subsection (1), the Board shall hear:

(a) the appellant or any person acting on his behalf;

(b) the Development Officer from whose order, decision, or development permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;

(c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and

(d) any other person who claims to be affected by the order, decision, or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

3. Development Appeal Board Decision

(1) The Development Appeal Board shall give its decision (FORM F – see PART EIGHT) in writing together **WITH REASONS** for the decision within **15 DAYS** of the conclusion of the hearing.

(2) In determining an appeal, the Development Appeal Board:

(a) **SHALL** comply with any statutory plan and subject to clause (c), this By-law and any land use regulations in effect;

(b) **MAY** confirm, revoke, or vary the order, decision, or development permit, or any condition attached to any of them or make or substitute an order, decision, or permit of its own;

(c) **MAY** make an order or decision or issue or confirm the issue of a development permit notwithstanding that the proposed development does not comply this By-law, **IF,** in its opinion:

(i) the proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with, or affect the use, enjoyment, or value of neighbouring properties; **AND**

(ii) the proposed development conforms with the **USE** prescribed for that land or building in this By-law.

(3) A decision made under this Part of the By-law is final and binding on all parties and all persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 152 of the Planning Act. An application for leave to appeal to the Alberta Court of Appeal shall be made:

(a) to a judge of the Court of Appeal; and

(b) within **30 DAYS** after the issue of the order, decision, permit, or approval sought to be appealed.

PART SIX

ENFORCING THE BY-LAW

6.1 CONTRAVENTION

1. Development Officer Authority

(1) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:

(a) the Planning Act or the regulations; or

(b) a development permit or subdivision approval; or

(c) the Land Use By-law;

the Development Officer may, by notice in writing (FORM H – see PART EIGHT), order the registered owner, the person in possession of the land or buildings or the person responsible for the contravention or all or any of them to:

(i) stop the development or use of the land or buildings in whole or in part as directed by the notice; or

(ii) demolish, remove, or replace the development; or

(iii) take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the Planning Act, the regulations, a development permit, subdivision approval, or this By-law as the case may be; or

(iv) suspend or revoke a development permit.

(2) Where a person fails or refuses to comply with an order directed to him under subsection (1) or an order of the Development Appeal Board under Section 85 of the Planning Act within the time specified, the Council, or a person appointed by it may, in accordance with Section 43 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.

2. Offences And Penalties

(1) Where the Council or person appointed by it carries out an order, the Council shall cause the costs and expenses incurred in carrying out the order to be placed on the tax role as an additional tax against the property concerned and that amount shall be collected in the same manner as taxes on land.

(2) A person who contravenes this By-law or obstructs or hinders any person in performance of this powers or duties under this By-law, is guilty of an offence and is liable to a fine of not more than five hundred dollars ($500.00) in accordance with the Planning Act, Section 154.

(3) In addition, under the Municipal Government Act, Section 110, Council may by By-law, impose a fine not exceeding two thousand five hundred dollars ($2,500.00), exclusive of costs for contravention of any this By-law and upon failure to pay such a fine and costs, provide for imprisonment for a period not exceeding 6 months unless such a fine and costs are sooner paid.

PART SEVEN

AMENDING THE BY-LAW

7.1 PROCEDURE

1. Method Of Application

(1) Any person may apply to have this By-law amended by applying in writing, furnishing reasons in support of the request and paying the fee required under Section 7.1.2(1)(a).

(2) Council, at any time, may initiate an amendment to this By-law by directing the Development Officer to initiate an application therefore.

2. Plans and Information Required

(1) All applications for amendment to the Land Use By-law shall be made to the Council in the form of FORM G hereto and shall be accompanied by the following, namely:

(a) an application fee of one hundred dollars ($100.00) for each application, but if the proposed amendment is adopted by Council, Council may determine that the whole or part of the application fee be returned to the applicant.

(b) A certificate of search of the land affected or other documents satisfactory to the Development Officer including the applicant's interest in the said land;

(c) All drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit, and complete.

3. Amending Process

(1) All amendments to the Land Use By-law shall be made by an amending By-law following a public hearing in accordance with Sections 139 to 143 of the Planning Act.

PART EIGHT

ADMINISTERING THE BY-LAW

8.1 INTERPRETATION

1. Definitions

In this By-law:

(1) **"Act"** means The Planning Act;

(2) **accessory building** means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and is located on the same parcel of land; (attached garages are considered to be part of the principal building, see PART THREE);

(3) **accessory use** means a use customarily incidental and subordinate to the principal use or building, and is located on the same parcel of land with such principal use or building;

(4) **building** includes any thing constructed or placed on, in, over, or under land but does not include a highway or public roadway or a bridge forming part of a highway or public roadway;

(5) **building height** (see height);

(6) **child care facility** means the use of a building or portion thereof for the provision of care, maintenance, education, and supervision of four or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes: day care centres, nurseries, kindergartens, and after-school or baby-sitting programs;

(7) **Council** means the Council of the Village of Clyde;

(8) **development** means:

(a) an excavation or stockpile and the creation of either of them, or
(b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
(c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(9) **development appeal board** means a development appeal board appointed pursuant to Section 33 of the Act or a council where it is the development appeal board by virtue of Section 33(2) of the Act;

(10) **development officer** means a person appointed as a development officer pursuant to a resolution to Council;

(11) **development permit** means a document authorizing a development issued pursuant to a land use by-law or the land use regulations;

(12) **discretionary use** means the use of land or a building provided for in a land use by-law for which a development permit may be issued upon an application having been made;

(13) **dwelling** means any building or structure used exclusively for human habitation, and which is supported on a permanent foundation or base extending below ground level and includes multiple dwellings, apartments, lodging and boarding houses, but does not include mobile homes of any kind whether standing on wheels or supported by blocks, jacks, or any other temporary foundation;

(14) **dwelling unit** means a complete building or self-contained portion of a building, set or suite of rooms for the use of one or more individuals living as a single housekeeping unit, containing sleeping, cooking, and separated or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms;

(15) **duplex** means a single residential building containing two dwelling units sharing a common wall, and located side by side or one above the other;

(16) **fourplex** means a residential building consisting of four dwelling units, but shall not mean row housing;

(17) **front yard** see **yard, front**;

(18) **gross floor area** means the total floor area contained within the outside surface of exterior and basement walls of buildings, structures, and accessory buildings located on the parcel, EXCEPT THAT basement suites in apartment buildings shall be included in the calculation of gross floor area;

(19) **gross floor area ratio** means the ratio or decimal resulting from dividing the gross floor area of all buildings by the total site area of the parcel on which the buildings are located;

(20) **height** means, when used in reference to a building or structure, the vertical distance between a horizontal plane through grade and a horizontal plane through:

(a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees;
(b) the average level between the eaves and ridges in the case of a pitched, gambrel, mansard, hipped roof, or a roof having a slope of more than 20 degrees, provided that in such cases the ridge line of the roof shall not extend more than 1.5 m (4.9 ft.) above the maximum permitted building height of the district;

(21) **home occupation** means any occupation, trade, profession, or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building, and which does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate, not exceeding 2 sq. ft. in area. A home occupation does not include the keeping of a stock in trade, nor the employment of more than one paid assistant other than the occupant and the occupant's family;

(22) **lot** means

(a) a quarter section; or
(b) a river lot or settlement lot shown on an official plan referred to in Section 32 of The Surveys Act that is filed or lodged in a land titles office; or
(c) a part of a parcel where the boundaries of the part are separately described in a certificate of title other than by reference to a legal subdivision; or
(d) in part of a parcel where the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;

(23) **mobile home** means a dwelling unit designed to be transported in not more than two sections and which, when placed on foundation supports and connected to utilities, is ready for occupancy;

(24) **mobile home park** means a site which provides rentable stalls for long term parking and occupancy of mobile homes, and may include on-site laundry and recreation facilities for the occupants and office facilities for the management of the park;

(25) **mobile home subdivision** means an area subdivided into lots by registered plan for freehold or leasehold tenure and used for mobile homes;

(26) **municipality** means the Village of Clyde;

(27) **net floor area** means the total of the rentable floor area of all floors of a building measured from the glassline or the interior wall dimensions, EXCLUDING stairways, elevators, mechanical floors or rooms, vertical service shafts, malls, and non-rentable common corridors, lobbies, washrooms, internal garbage storage, and internal vehicular areas;

(28) **non-conforming building** means a building

(a) that is lawfully constructed or lawfully under construction at the date a Land Use By-law or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
(b) that on the date the Land Use By-law or any amendment thereof becomes effective does not, or when constructed, will not comply with the Land Use By-law;

(29) **non-conforming use** means a lawful specific use

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a Land Use By-law or any amendment thereof affecting the land or building becomes effective; and
(b) that on the date the Land Use By-law or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use By-law;

(30) **parcel** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan filed or registered in a land titles office;

(31) **parking area** means a portion of land or of a building or structure set aside for the parking and manoeuvering of motor vehicles;

(32) **permitted use** means the use of land or a building provided for in the Land Use By-law for which a development permit shall be issued upon an application having been made;

(33) **principal building** means a building in which is conducted the principal use of the site on which it is erected;

(34) **public or quasi-public building** means a building which is available to the public for the purpose of assembly, instruction, culture, or community activity and includes uses such as: a church, library, museum, or senior citizen drop-in centre;

(35) **public utility building** means a building as defined in the Municipal Government Act in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility;

(36) **rear yard** see **yard, rear**;

(37) **registered owner** means

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or

(b) in the case of any other land,

(i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or

(ii) in the absence of a person described in paragraph (i), the person registered under the Land Titles Act as the owner of the fee simple estate in the land;

(38) **storey** means that portion of a building which is situated between the top of any floor and the top of the floor above it. If there is no floor above it, the storey is that space between the top of the floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (6 ft.) above grade, such a basement shall be considered a storey;

(39) **yard, front** means that area extending the full width of a site and from the front property line of the site to the nearest building, and its depth shall be measured at right angles to the front property line;

yard, rear means that area extending the full width of a site and from the rear property line of the site to the rear of the principal building, and its depth shall be measured at right angles to the property line;

yard, side means that portion of the site extending from the front yard to the rear yard and between the side property line of the site and the closest side of the principal building, and its width shall be measured at right angles to the side property line;

and all other words and expressions have the meanings respectively assigned to them in the Act.

2. Referenced Legislation

(1) Referenced legislation in this By-law includes:

(a) Fire Prevention Act, Revised Statutes of Alberta, Chapter F-10.1, and any amendment, thereto or any act substituted therefore;

(b) Gas Protection Act, Revised Statutes of Alberta, Chapter 6-2, and any amendment, thereto or any act substituted therefore;

(c) Municipal Government Act means the Municipal Government Act, Revised Statutes of Alberta 1980, Chapter M-26, and any amendments, thereto or any act substituted therefore;

(d) Planning Act, means the Planning Act, Revised Statutes of Alberta 1980, Chapter P-9, and any amendments, thereto or any act substituted therefore;

(e) Surveys Act, Revised Statutes of Alberta, Chapter S-29, and any amendments, thereto or any act substituted therefore;

(f) Uniform Building Standards Act, Revised Statutes of Alberta, Chapter U-4, and any amendments, thereto or any act substituted therefore;

8.2 GENERAL

1. Repealing Existing Controls

(1) By-law #304 is hereby repealed.

2. Date of Commencement

(1) This By-law comes into force upon the date of being passed.

3. Forms

(1) FORM A Application for Development
(2) FORM B Development Permit
(3) FORM C Notice of Refusal
(4) FORM D Notice of Decision of Development Officer
(5) FORM E Notice of Appeal Hearing
(6) FORM F Notice of Appeal Decision
(7) FORM G Application for Amendment to the Land Use By-law
(8) FORM H Notice of Contravention

FORM A

Application No. _____

APPLICATION FOR DEVELOPMENT

I/We hereby make application for a development under the provisions of the Land Use Bylaw in accordance with the plans and supporting information submitted herewith and which forms part of this application.

Applicant: _____

Address: _____ Tel. No.: _____

Registered Owner of Land: _____

Address: _____

Street address of property and/or legal description on which the development is to be effected: _____

Lot (parcel) _____ Block _____ Registered Plan No. _____

Existing use of land or building on the property: _____

Land Use District: _____

Proposed use of land or building on the property: _____

Lot type: Interior _____ Corner _____

Lot width: _____ Lot length: _____ Lot area: _____

Proposed Yards, Front: _____ Rear _____ Side _____

Floor Area: _____

Percentage of Lot Occupied: _____ Building Height: _____

Accessory Use: _____

Percentage of Lot Occupied (by Accessory Use): _____

Height of Accessory Building: _____

Set back from side lot line: _____ Set back from rear lot line: _____

Estimated commencement date: _____ Estimated completion date: _____

Estimated value of Development: _____

Interest of Applicant if not owner of property: _____

Other supporting material attached: _____

Signature of Applicant: _____ Date: _____

I hereby grant consent for the Development Officer or authorized person of the Village of Clyde, pursuant to Section 43 of the Planning Act, to enter upon the subject land and or building for the purpose of a site inspection or to take any action necessary to carry out an order to ensure compliance with this By-law.

_____

Land owner's signature (or Agent having possession of land (and or building)

FORM B

Permit No. _____

DEVELOPMENT PERMIT

Development involving Application No. _____ has been:

APPROVED _____

APPROVED, subject to the following conditions: _____

_____

_____

_____

_____

You are hereby authorized to proceed with the development specified provided that any stated conditions are complied with; that development is in accordance with any approved plans and applications; and that all applicable permits are obtained. **Should an appeal be made against this decision to the Development Appeal Board, the development permit does not come into effect until the appeal has been determined and the permit may be modified or nullified.**

Date of Decision _____ Date of Issue of Development Permit _____

Development Officer Signature _____

NOTE:

1. A Development Permit is subject to the condition that it **does not become effective until 15 days after the date of issue.**
2. The Land Use Bylaw provides that any person claiming to be affected by a decision of the Development Officer/Municipal Planning Commission may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.
3. A permit issued in accordance with the notice of decision is valid for a period of 12 months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.

FORM C

Application No.: _____

NOTICE OF REFUSAL

You are hereby notified that your application for a development permit with regard to the following: _____

_____

_____

has been **REFUSED** for the following reasons: _____

_____

_____

_____

_____

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section 5.3 of this By-law. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of appeal.

Date of Decision: _____

Date of Notice of Decision: _____

_____

SIGNATURE OF DEVELOPMENT OFFICER

FORM D

Application No. _____

Development Permit No. _____

NOTICE OF DECISION OF THE DEVELOPMENT OFFICER

This is to notify you with respect to a decision of the Development Officer whereby a development permit has been issued authorizing the following development.

Street address of property: _____

Lot: _____ Block: _____ Registered Plan: _____

or Certificate of Title: _____

Date of Decision _____

The Land Use By-law provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.

_____

Development Officer

FORM E

Application No: _____

Development Permit No. _____

NOTICE OF APPEAL HEARING

This is to notify you that an appeal has been made to the Development Appeal Board against a decision on Application No.
concerning: _____

_____

_____

APPROVED
The decision APPROVED WITH CONDITION the development permit for the following
REFUSED
reasons: _____

_____

_____

Place of Hearing: _____

Time of Hearing: _____

Date of Hearing: _____

Any person affected by the decision of the Development Officer may appeal to the Development Appeal Board. Anyone wishing to be heard at the meeting must submit written briefs to the Secretary of the Development Appeal Board before _____. Copies of the Land Use By-law, the development permit application, and the Development Officer's decision are available at the Village Office during office hours for public review.

_____
Date

_____
Secretary,
Development Appeal Board

FORM F

Application No: _____
Development Permit No: ____

NOTICE OF APPEAL DECISION

This is to notify you that an appeal against a decision with respect to Application No. _____/Development Permit No. _____was considered by the Development Appeal Board on _____,
19 __ and the decision of the Board is as follows and for the following reasons.

_____ _____

Date

Secretary
Development Appeal Board

Note: A decision of the Development Appeal Board is final and binding and subject only to an appeal upon a question of jurisdiction or law pursuant to Section 152 of the Planning Act, R.S.A. 1980. An application for leave to appeal may be made to a judge of the Court of Appeal within 30 days after the issue of the decision by the Development Appeal Board.

FORM G

APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

I/We hereby make application to amend the Land Use Bylaw.

Applicant: Name _____ Telephone _____

Address _____

Owner of Land: Name _____ Telephone _____

Land Description: Lot _____ Block _____ Registered Plan _____

Certificate of Title _____

Amendment Proposed

FROM _____ TO _____

Reasons in support of Application for Amendment

DATE _____ SIGNED _____

FORM H

NOTICE OF CONTRAVENTION

This is to notify you that on _____, 19__, the Development Officer inspected your land and/or building located at _____, Lot _____, Block _____, Registered Plan _____, in the Village of Clyde and in his opinion the use of the above land and/or building is in contravention of the Village of Clyde Land Use By-law No. 362/86, Section(s) _____ for the following reasons: _____

_____

_____

_____

_____

_____

Failure to comply with the By-law _____, 19__, will result in the Development Officer to referring the matter to the Village's solicitors to take such steps as are necessary to ensure compliance with the By-law. All costs incurred to ensure compliance will be borne by the owner or his agent in possession of the land and/or building. The owner or agent may also be liable to a fine or imprisonment.

_____ _____

Date Signature of Development Officer

4. Metric Conversion Chart

Soft Conversion		Hard Conversion	
Existing Measurements in By-law	Metric Equivalent	Suggested Metric Measurement	Imperial Equivalent
6 in.	15.24 cm	.15 m	.49 ft.
30 in.	76.20 cm	.76 m	2.49 ft.
2 ft.	.6096 m	.6 m	1.9685 ft.
3	.9144	.9	2.9685
5	1.5240	1.5	4.921
6	1.8288	1.8	5.889
7	2.1336	2.1	6.889
8	2.4384	2.4	7.874
10	3.0480	3.0	9.8425
12	3.6576	3.7	12.139
15	4.5720	4.6	15.092
16	4.8768	4.9	16.076
18	5.4864	5.5	18.092
20	6.0960	6.1	20.013
25	7.6200	7.6	24.934
30	9.1440	9.1	29.856
40	12.192	12.2	40.026
50	15.240	15.2	49.869
60	16.288	18.3	60.869
75	22.860	22.9	75.130
80	24.384	24.4	80.052
100	30.480	30.5	100.65
125	38.100	38.1	124.99
134	40.843	40.8	133.85
150	45.720	45.7	149.93
200	60.960	61.0	200.13
209	63.7032	63.7	208.89
400	121.920	121.9	399.93
500	152.40	152.4	500.00
1000	304.80	304.8	1000.00
1 acre	.4 ha		
3	1.2		
5	2.0		
10	4.0		
20	8.0		
80	32.5		
160	65.0		

Soft Conversion		Hard Conversion	
Existing Measurements in By-law	Metric Equivalent	Suggested Metric Measurement	Imperial Equivalent
2,000 gal.	9,092.2 l		
3,000	13,638.3		
6,000	27,277.0		
12,000	54.553.2		
20,000	90,922.0		
50,000	227,300.0		
1/2 mi	0.80467 km		.49710 mi.
10 m.	16.093	16.0	9.9419
1 sq. ft.	0.929 sq. m.	.1 sq. m.	
6	0.5574	.6	
20	1.8581	1.9	
285	26.477	26.5	
600	55.742	55.7	
750	69.677	69.7	
900	83.613	83.6	
1,000	92.903	92.9	
1,500	139.35	139.4	
1,600	148.64	148.6	
6,000	557.42	557.4	
10,000	929.03	929.0	

COMMON EQUIVALENTS AND CONVERSIONS

Approximate Common Equivalents	Accurate Conversions
1 in. = 25 mm	in. × 25.4 = mm
1 ft. = 0.30 m	ft × 0.3048 = m
1 yard = 0.91 m	yd. × 0.9144 = m
1 mile = 1.6 km	miles × 1.609 344 = km
1 sq. in. = 6.5 cm^2	sq. in. × 6.4516 = cm^2
1 sq. ft. = 0.90 m^2	sq. ft. × 0.092 903 04 = m^2
1 sq. yd. = 0.84 m^2	sq. yd × 0.836 127 4 = m^2
1 acre = 0.40 ha	acres × 0.404 685 6 = ha
1 gallon = 4.5 litres	gallon × 4.546 09 = litre